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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,584	02/28/2002	Robert J. Ward	INVSC.4	9027

7590
Robert J. Ward
3313 Hidalgo Street
Irving, TX 75062

06/05/2003

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/05/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary	Application No. 10/086,584	Applicant(s) WARD ET AL.	
	Examiner Tri M. Mai	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____ .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-12,14-26,28,30,32,34-38 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-12,14-26,28,30,32,34-38 and 40-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____ .
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,11 . 6) ☐ Other: ____ .

DETAILED ACTION

Election/Restrictions

1. Claims 30 and 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 9.

Regarding claim 30, Fig 1, the elected species, does not show the ledge.

Regarding claim 40, Fig. 1 does not show the loop.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 and 35 U.S.C. 103(a) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 9-12, 25, 28, 32, 34, 37, and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckstein (5203390). Eckstein teaches an apparatus having a top portion, a bottom portion, and an absorbent member 20.
4. Claims 4, 16-21, 35-36, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckstein.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide a sponge as an absorbent member to provide an alternative material for the absorbent member.

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Regarding claims 16-18, 35, 36, and 38, it would have been obvious to one of ordinary skill in the art to provide the cover with the material as set forth in the claims to provide alternative material for the cover member.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckstein in view of Young. Young teaches that it is known in the art to provide a cleaning fluid to the absorbent inner liner. It would have been obvious to one of ordinary skill in the art to provide cleaning fluid such as an antibacterial substance or an antifungal substance in Eckstein as taught by Young to prevent disease.

6. Claims 22-23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckstein in view of Kinsey (6463971). Kinsey teaches that it is known in the art to provide a logo and/or brand name on a cover (col. 3, ln. 30). It would have been obvious to one of ordinary skill in the art to provide a logo and/or brand name on the cover in Eckstein as taught by Kinsey to sell the cover easily.

7. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckstein in view of Jones (2984486). Jones teaches that it is known in the art to provide a tacky compound 24. It would have been obvious to one of ordinary skill in the art to provide a tacky compound in Eckstein as taught by Jones to grip the handle easily.

8. Claims 1-3, 10, 11, 24, 27, 32, 37-38, and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Proutt (4662415). Proutt teaches an apparatus having a top portion, a bottom portion, and an absorbent member 17.

9. Claims 1-4, 11, 14-15, 22-23, 32-33, 35, 37, and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (3406419). Young teaches an apparatus having a

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top portion, a bottom portion, and an absorbent member 16.

Regarding claims 14-15, note col. 2, lines 50-53.

Regarding claims 22-23, note the logo in 2.

10. Claims 1-4, 11, 12, 18, 32, and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (3965955). Price teaches an apparatus having a top portion, a bottom portion, and an absorbent member 13.

11. Claims 4, 10, 14-16, 18-21, 35-36, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proutt.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide a sponge as an absorbent member to provide an alternative material for the absorbent member.

Regarding claims 16-18, and 35-37, it would have been obvious to one of ordinary skill in the art to provide the cover with the material as set forth in the claims to provide alternative material for the cover member.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proutt in view of Thompson (4378832). Thompson teaches that it is known in the art to provide vents 24-29. It would have been obvious to one of ordinary skill in the art to provide vents in Proutt to provide ventilation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai *T. Mai*
Primary Examiner
Art Unit 3727

June 2, 2003